



**COMMONWEALTH of VIRGINIA**  
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May 10, 2005

Robert B. Stroube, M.D., M.P.H.  
State Health Commissioner  
Department of Health  
P.O. Box 2448  
Richmond, Virginia 23218-2448

**Amendments to the Biosolids Use Regulations: Land Applicator Certification**

Dear Dr. Stroube:

I have reviewed proposed amendments to the *Biosolids Use Regulations*, 12 VAC 5-585-760 *et seq.*, dated March 30, 2005, that will provide standards for the training, testing and certification of persons land applying Class B sewage sludge (biosolids) in the Commonwealth. Virginia Department of Health staff prepared these amendments in response to legislation passed by the General Assembly (SB 1088, Acts of Assembly c. 681, 2003) and signed into law by the Governor, amending § 32.1-164.6 of the *Code of Virginia*.

It is my view that the Board of Health, contingent on approval by the Governor, has legal authority to promulgate the subject amendments pursuant to *Code of Virginia* § 32.1-164.5.

The purpose of this communication is to provide legal advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency or board and this communication should not be construed as a comment for or against the merits of such action.

Sincerely,

D. Nelson Daniel  
Assistant Attorney General

cc: Robert W. Hicks

Calmet M. Sawyer, Ph.D., P.E.